

Director of National Intelligence, the Secretary of Defense, and the head of any other relevant Federal agency, shall submit to Congress a report that includes the following:

(A) An assessment on the current status of any ceasefire or cessation of hostilities among the military forces aligned with and under the control of the internationally recognized Government of Yemen, Ansar Allah, the Saudi- and Emirati-led coalition, and any other armed group.

(B) A list of any violations of any existing ceasefire or cessation of hostilities in Yemen by—

(i) armed forces aligned with and under the control of—

(I) the internationally recognized Government of Yemen;

(II) Ansar Allah; and

(III) any other armed group included in any ceasefire; or

(ii) airstrikes or drone strikes conducted by—

(I) the Saudi Royal Air Force; or

(II) the United Arab Emirates Air Force and Air Defense.

(C) An assessment of how many fuel shipments, including how many tons of fuel, have entered the port of Hodeida since April 2, 2022, and whether the collection of custom duties at the port of Hodeida is used to pay the salaries of public sector employees.

(D) A description of the reopening of the Sanaa International Airport to commercial flights, including how many flights have arrived and departed the airport since April 2, 2022, and an analysis of the barriers to progress and possible solutions for opening flights to and from Cairo International Airport.

(E) An assessment of road access to and from the city of Taiz, including the estimated time of travel between Taiz and the city of Aden and any other measurement used to determine the freedom of movement to and from Taiz.

(F) A list and assessment of any additional condition or measure included after the date of the enactment of this Act in any ceasefire, peace process, or negotiated peace settlement in Yemen.

(G) An assessment and description of the President's diplomatic strategy and efforts to maintain any such ceasefire and build on it to advance a negotiated, legitimate, and permanent peace settlement to end the war in Yemen.

(H) An analysis of the barriers to progress on elements of the truce and ways to incentivize progress towards maintaining the truce and building a more sustainable political resolution to the conflict.

(I) A progress report on the emergency operation by the United Nations to transfer the oil from the floating storage and offloading vessel (FSO) *Safer* to a safe vessel.

(2) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex that is provided separately from the unclassified version.

(c) BRIEFING ON SUPPORT FOR MULTILATERAL HUMAN RIGHTS INVESTIGATIVE MECHANISM.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide a briefing to the appropriate committees of Congress on the benefits and utility of providing direct support to an independent multilateral investigative mechanism to document and report past, ongoing, and future violations of human rights and international humanitarian law by all parties in the conflict in Yemen since 2015.

(d) CEASEFIRE MAINTENANCE MECHANISMS; PROHIBITION OF LICENSES AUTHORIZING EXPORTS OF CERTAIN DEFENSE SERVICES.—During the 2-year period beginning on the date

of the most recent violations listed under subsection (b)(1)(B)(ii), the President may not issue any license, and shall suspend any license or other approval that was issued before the date of the enactment of this Act, authorizing the export to the Government of Saudi Arabia or the Government of United Arab Emirates of defense services related to the maintenance or servicing of United States-provided aircraft belonging to military units determined to have undertaken offensive airstrikes inside Yemen after such date of enactment that are not related directly to preventing or degrading the ability of Ansar Allah forces to launch missile and unmanned aircraft strikes on the territory of Saudi Arabia or the United Arab Emirates.

SA 6181. Mr. MERKLEY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1276. PROTECTION OF SAUDI DISSIDENTS.

(a) RESTRICTIONS ON TRANSFERS OF DEFENSE ARTICLES AND SERVICES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT TO SAUDI ARABIA.—

(1) INITIAL PERIOD.—During the 120-day period beginning on the date of the enactment of this Act, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or defense services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to an intelligence, internal security, or law enforcement agency or instrumentality of the Government of Saudi Arabia, or to any person acting as an agent of or on behalf of such agency or instrumentality.

(2) SUBSEQUENT PERIODS.—

(A) IN GENERAL.—During the 120-day period beginning after the end of the 120-day period described in paragraph (1), and each 120-day period thereafter, the President may not sell, authorize a license for the export of, or otherwise transfer any defense articles or services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.), regardless of the amount of such articles, services, or equipment, to an intelligence, internal security, or law enforcement agency or instrumentality of the Government of Saudi Arabia, or to any person acting as an agent of or on behalf of such agency or instrumentality, unless the President has submitted to the chairman and ranking member of the appropriate committees of Congress a certification described in subparagraph (B).

(B) CERTIFICATION.—A certification described in this paragraph is a certification that contains a determination of the President that, during the 120-day period preceding the date of submission of the certification, the United States Government has not determined that the Government of Saudi Arabia has conducted any of the following activities:

(i) Forced repatriation, intimidation, or killing of dissidents in other countries.

(ii) The unjust imprisonment in Saudi Arabia of United States citizens or aliens law-

fully admitted for permanent residence or the prohibition on these individuals and their family members from exiting Saudi Arabia.

(iii) Torture of detainees in the custody of the Government of Saudi Arabia.

(3) EXCEPTION.—The restrictions in this subsection shall not apply with respect to the sale, authorization of a license for export, or transfer of any defense articles or services, design and construction services, or major defense equipment under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for use in—

(A) the defense of the territory of Saudi Arabia from external threats; or

(B) the defense of United States military or diplomatic personnel or United States facilities located in Saudi Arabia.

(4) WAIVER.—

(A) IN GENERAL.—The President may waive the restrictions in this subsection if the President submits to the appropriate committees of Congress a report not later than 15 days before the granting of such waiver that contains—

(i) a determination of the President that such a waiver is in the vital national security interests of the United States; and

(ii) a detailed justification for the use of such waiver and the reasons why the restrictions in this subsection cannot be met.

(B) FORM.—The report required by this paragraph shall be submitted in unclassified form but may contain a classified annex.

(5) SUNSET.—This subsection shall terminate on the date that is three years after the date of the enactment of this Act.

(6) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives.

(b) REPORT ON CONSISTENT PATTERN OF ACTS OF INTIMIDATION OR HARASSMENT DIRECTED AGAINST INDIVIDUALS IN THE UNITED STATES.—

(1) FINDINGS.—Congress finds the following:

(A) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) states the following: “No letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued under this Act with respect to any country determined by the President to be engaged in a consistent pattern of acts of intimidation or harassment directed against individuals in the United States”.

(B) Section 6 of the Arms Export Control Act (22 U.S.C. 2756) further requires the President to report any such determination promptly to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Speaker of the House of Representatives.

(2) REPORT ON ACTS OF INTIMIDATION OR HARASSMENT AGAINST INDIVIDUALS IN THE UNITED STATES.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on—

(A) whether any official of the Government of Saudi Arabia engaged in a consistent pattern of acts of intimidation or harassment directed against Jamal Khashoggi or any individual in the United States; and

(B) whether any United States-origin defense articles were used in the activities described in subparagraph (A).

(3) FORM.—The report required by paragraph (2) shall be submitted in unclassified form but may contain a classified annex.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) REPORT AND CERTIFICATION WITH RESPECT TO SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN THE UNITED STATES.—

(1) REPORT ON SAUDI DIPLOMATS AND DIPLOMATIC FACILITIES IN UNITED STATES.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report covering the three-year period preceding such date of enactment regarding whether and to what extent covered persons used diplomatic credentials, visas, or covered facilities to facilitate monitoring, tracking, surveillance, or harassment of, or harm to, other nationals of Saudi Arabia living in the United States.

(2) CERTIFICATION.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and each 120-day period thereafter, the President shall, if the President determines that such is the case, submit to the appropriate committees of Congress a certification that the United States Government has not determined covered persons to be using diplomatic credentials, visas, or covered facilities to facilitate serious harassment of, or harm to, other nationals of Saudi Arabia living in the United States during the time period covered by each such certification.

(B) FAILURE TO SUBMIT CERTIFICATION.—If the President does not submit a certification under subparagraph (A), the President shall—

(i) close one or more covered facilities for such period of time until the President does submit such a certification; and

(ii) submit to the appropriate committees of Congress a report that contains—

(I) a detailed explanation of why the President is unable to make such a certification;

(II) a list and summary of engagements of the United States Government with the Government of Saudi Arabia regarding the use of diplomatic credentials, visas, or covered facilities described in subparagraph (A); and

(III) a description of actions the United States Government has taken or intends to take in response to the use of diplomatic credentials, visas, or covered facilities described in subparagraph (A).

(3) FORM.—The report required by paragraph (1) and the certification and report required by paragraph (2) shall be submitted in unclassified form but may contain a classified annex.

(4) WAIVER.—

(A) IN GENERAL.—The President may waive the restrictions in this subsection if the President submits to the appropriate committees of Congress a report not later than 15 days before the granting of such waiver that contains—

(i) a determination of the President that such a waiver is in the vital national security interests of the United States; and

(ii) a detailed justification for the use of such waiver and the reasons why the restrictions in this subsection cannot be met.

(B) FORM.—The report required by this subsection shall be submitted in unclassified form but may contain a classified annex.

(5) SUNSET.—This subsection shall terminate on the date that is three years after the date of the enactment of this Act.

(6) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) COVERED FACILITY.—The term “covered facility” means a diplomatic or consular facility of Saudi Arabia in the United States.

(C) COVERED PERSON.—The term “covered person” means a national of Saudi Arabia credentialed to a covered facility.

(D) REPORT ON THE DUTY TO WARN OBLIGATION OF THE GOVERNMENT OF THE UNITED STATES.—

(1) FINDINGS.—Congress finds that Intelligence Community Directive 191 provides that—

(A) when an element of the intelligence community of the United States collects or acquires credible and specific information indicating an impending threat of intentional killing, serious bodily injury, or kidnapping directed at a person, the agency must “warn the intended victim or those responsible for protecting the intended victim, as appropriate” unless an applicable waiver of the duty is granted by the appropriate official within the element; and

(B) when issues arise with respect to whether the threat information rises to the threshold of “duty to warn”, the directive calls for resolution in favor of warning the intended victim.

(2) REPORT ON DUTY TO WARN.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of other relevant United States intelligence agencies, shall submit to the appropriate committees of Congress a report with respect to—

(A) whether and how the intelligence community fulfilled its duty to warn Jamal Khashoggi of threats to his life and liberty pursuant to Intelligence Community Directive 191; and

(B) in the case of the intelligence community not fulfilling its duty to warn as described in subparagraph (A), why the intelligence community did not fulfill this duty.

(3) FORM.—The report required by paragraph (2) shall be submitted in unclassified form but may contain a classified annex.

(4) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) DUTY TO WARN.—The term “duty to warn” has the meaning given that term in Intelligence Community Directive 191, as in effect on July 21, 2015.

(C) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(D) RELEVANT UNITED STATES INTELLIGENCE AGENCY.—The term “relevant United States intelligence agency” means any element of the intelligence community that may have possessed intelligence reporting regarding threats to Jamal Khashoggi.

SA 6182. Mr. MERKLEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and

intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1254. CHINA CENSORSHIP MONITOR AND ACTION GROUP.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) QUALIFIED RESEARCH ENTITY.—The term “qualified research entity” means an entity that—

(A) is a nonpartisan research organization or a federally funded research and development center;

(B) has appropriate expertise and analytical capability to write the report required under subsection (c); and

(C) is free from any financial, commercial, or other entanglements, which could undermine the independence of such report or create a conflict of interest or the appearance of a conflict of interest, with—

(i) the Government of the People’s Republic of China;

(ii) the Chinese Communist Party;

(iii) any company incorporated in the People’s Republic of China or a subsidiary of such company; or

(iv) any company or entity incorporated outside of the People’s Republic of China that is believed to have a substantial financial or commercial interest in the People’s Republic of China.

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

(b) CHINA CENSORSHIP MONITOR AND ACTION GROUP.—

(1) IN GENERAL.—The President shall establish an interagency task force, which shall be known as the “China Censorship Monitor and Action Group” (referred to in this subsection as the “Task Force”).

(2) MEMBERSHIP.—The President shall—

(A) appoint the chair of the Task Force from among the staff of the National Security Council;

(B) appoint the vice chair of the Task Force from among the staff of the National Economic Council; and

(C) direct the head of each of the following executive branch agencies to appoint personnel to participate in the Task Force:

(i) The Department of State.

(ii) The Department of Commerce.

(iii) The Department of the Treasury.

(iv) The Department of Justice.

(v) The Office of the United States Trade Representative.

(vi) The Office of the Director of National Intelligence, and other appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(vii) The Federal Communications Commission.